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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,789	06/23/2000	Edward A. Hubbard	UNTD:010	2646

7590 04/25/2003

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EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/602,789

Applicant(s)
Edward Hubbard

Examiner
Kenneth R. Coulter

Art Unit
2141



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, and 14-17 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3,4,5 6) ☐ Other:

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DETAILED ACTION

Claim Objections

1. Claims 7, 8, 15, and 16 are objected to because of the following informalities:

“on at regular time intervals” (claim 7, line 1; claim 15, line 2).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 - 4, 6 - 12, and 14 - 17 are rejected under 35 U.S.C. 102(b) as being disclosed by Ori Regev (Economic Oriented CPU Sharing System for the Internet) (July, 1998).

- 3.1 Regarding claim 1, Regev discloses a method of operating a distributed parallel processing system having machine generated sweepstakes (*gaming*) entries, comprising:
providing a server system (pp. 6 - 9);

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coupling the server system to a network, the network being connectable to distributed devices (pp. 6 - 9);

providing entries to a sweepstakes (*game*) as an incentive to couple the distributed devices to the server system through the network so that the distributed devices are capable of performing workloads for the distributed parallel processing system (pp. 6 - 9); and

receiving machine generated entries from the distributed devices (pp. 6 - 9).

However, Regev does not explicitly disclose a sweepstakes, but does disclose free gaming as compensation for the use of idle CPU time.

Sweepstakes are a form of game.

3.2 Per claim 2, Regev teaches sending an entry workload to the distributed devices (pp. 6 - 9).

3.3 Regarding claim 3, Regev discloses that the receiving step comprises receiving completed results of the entry workload from the distributed devices, the completed results representing a *gaming* entry (pp. 6 - 9).

3.4 Per claim 4, Regev teaches that the entry workload is sent at regular time intervals by the server system (pp. 6 - 9).

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3.5 Regarding claim 6, Regev discloses a client agent that operates on the distributed devices to perform workloads and to send to the server system the machine generated entries (pp. 40 - 42).

3.6 Per claim 7, Regev teaches that the client agent sends machine generated entries on regular time intervals depending upon a status for the distributed device (pp. 40 - 42).

3.7 Regarding claim 8, Regev discloses that the status comprises whether the distributed device is processing workloads for the distributed processing system (pp. 40 - 42).

3.8 Per claim 9, Regev teaches sending an entry workload to the distributed device, the client agent utilizing the entry workload to generate sweepstakes entries (pp. 6 - 9 and 40 - 42).

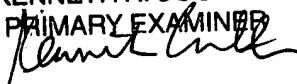
3.9 Regarding claims 10 - 12 and 14 - 17, the rejection of claims 1 - 4 and 6 - 9 (paragraphs 3.1 - 3.8 above) under 35 USC 102(b) applies fully.

Allowable Subject Matter

4. Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Coulter whose telephone number is (703) 305-8447.

KENNETH R. COULTER
PRIMARY EXAMINER


krc

April 20, 2003